

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Victor Gonzalez
DOCKET NO.: 02-20288.001-C-1 and 02-20288.002-C-1
PARCEL NO.: 16-32-119-015 and 16-32-119-016

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Victor Gonzalez, the appellant, by Attorney Howard W. Melton in Chicago; and the Cook County Board of Review.

The subject property consists of 8,224 square foot parcel utilized as a used automotive dealership and improved with a 42-year old, one-story, masonry, office and garage building. The improvement contains 888 square feet of building area as well as one overhead door.

At hearing, the appellant's new attorney submitted a substitution of counsel document that was identified for the record as Appellant's Hearing Exhibit #1. The appellant's attorney argued that the fair market value of the subject was not accurately reflected in its assessed value.

The appellant submitted a complete, summary appraisal report as of January 1, 2001 and identified the date of appraiser's inspection as July 6, 2001. The purpose of the appraisal was to estimate the market value of the fee simple interest in the real estate for the subject property. The appellant's appraisal was conducted by Shawn Schneider, a Certified General Real Estate Appraiser as well as Susan Z. Ullman, who also holds the designation of Member of the Appraisal Institute. The appraisers provided an estimate of market value as of January 1, 2001 at \$130,000.

The appraisal developed the highest and best use of the subject, as vacant, for commercial usage consistent with the surrounding

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the COOK County Board of Review is warranted. The correct assessed valuations of the property are:

DOCKET #	PIN	LAND	IMPROVEMENT	TOTAL
02-20288.001-C-1	16-32-119-015	\$28,076	\$ 238	\$28,314
02-20288.002-C-1	16-32-119-016	\$17,100	\$3,986	\$21,086

Subject only to the State multiplier as applicable.

PTAB/KPP

land usage and zoning restrictions. The highest and best use, as improved, was the property's continued use as a commercial facility. However, due to the subject's current use as a used car lot, the property was considered to be a special use property and conversion to any other use would require renovations to the building. As a special use property, the appraisers opined that there is a limited amount of alternative uses and limited marketability on the open market. In support of this statement, at hearing, appellant's attorney offered Appellant's Hearing Exhibit #2. This exhibit was admitted into evidence without objection from the board of review and depicts an enlarged photograph of the subject's improvement as it would appear on the assessment date at issue.

The appraisal developed two of the three traditional approaches to value. The cost approach reflected a value estimate of \$135,000, while the sales comparison approach to value reflected a value of \$130,000.

In the cost approach, the appraisers referred to four land sales that sold from July, 1998, through May, 2001, for prices that ranged from \$7.52 to \$14.37 per square foot. The land parcels ranged in size from 16,446 to 20,880 square feet. After analyzing the aforementioned sales and making adjustments to these properties, the appraisers opined that the subject's land should be valued at \$10.00 per square foot, or \$80,000, rounded. The appraisers next employed the Marshall & Swift, Marshall Valuation Service to estimate a replacement cost of the subject's improvement. The appraisers used an effective age of 30 years and indicated that the building was of average condition as well as a class c structure. Thereby, they opined a replacement cost new of \$72,908, while adding 12% for entrepreneurial profit of \$8,749 reflecting a final replacement cost new of \$81,657. While deducting a total depreciation of 30%, the depreciated cost of the improvements was estimated at \$57,160. Adding the land value of \$80,000, indicated a value estimate under the cost approach of \$135,000, rounded.

The second approach to value developed was the sales comparison approach. The appraisers utilized five suggested comparables that sold from August, 1995, to January, 2000, for prices that ranged from \$28.18 to \$156.33 per square foot. After making adjustments, the appraiser estimated a market value for the subject of \$130,000. In reconciling the approaches to value, the appraisers placed the most weight on the sales comparison approach to value estimating the subject's market value to be \$130,000 as of the assessment date at issue.

Furthermore, at hearing, appellant's attorney argued that the PTAB had rendered the subsequent tax year's decision based upon the same evidence submission. He indicated that in PTAB docket

#03-21235-C-1, the PTAB rendered a decision reducing the subject's assessment based upon the same appraisal evidence. Based upon the totality of evidence, appellant requested a reduction in the subject's assessment for property tax year 2002.

The board of review presented "Board of Review Notes on Appeal" wherein the subject's final assessment for the two parcels of \$94,550 reflected a market value of \$248,816 applying the Cook County Ordinance level of assessment of 38%. The board of review submitted copies of CoStar Comps printouts relating to six properties. The unadjusted data indicated a range of values from \$144.00 to \$300.00 per square foot of building area. The CoStar printouts indicate that the information reflected therein was obtained from sources deemed reliable, but not guaranteed. Based upon its analyses, the board of review requested confirmation of the fair market value of the subject as of the assessment date at issue.

At hearing, appellant's attorney argued that the board's properties lack comparability to the subject due to a disparity in size, location, and highest and best use. Specifically, he noted that four properties are auto repair/service stations, while one property is improved with a night club/bar and the last property contains a storefront, hair salon.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. See National City Bank of Michigan/Illinois v. Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002) and Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill. Admin. Code 1910.65(c). Having considered the evidence presented, the PTAB finds that the appellant has met this burden and that a reduction is warranted.

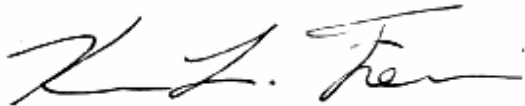
The PTAB finds that the best evidence of the subject's market value for tax year 2002 is the appellant's appraisal with an effective date of January 1, 2001 indicating a market value of \$130,000. Since the market value of this subject has been established, the ordinance level of assessment for Cook County class 5a property of 38% will apply. This application indicates a total assessed value of \$49,400. Since the subject's current total assessment stands at \$94,550, a reduction is merited.

Based upon the evidence, the PTAB finds that the appellant has demonstrated that the subject property is overvalued for tax year 2002. Therefore, a reduction in the subject's market value and assessment is warranted for this year.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: April 25, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.